

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

KIMBERLY RENAE ANDREWS,

Plaintiff,

v.

CIVIL ACTION NO. 7:18cv281  
Judge Glen E. Conrad

VIRGINIA POLYTECHNIC INSTITUTE  
AND STATE UNIVERSITY and  
COMMONWEALTH OF VIRGINIA,

Defendants.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, by counsel, move for summary judgment pursuant to Rules 56(a) and 56(c) of the Federal Rules of Civil Procedure on the basis that the attached exhibits and contemporaneously filed MEMORANDUM IN SUPPORT establish that “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” As discussed in the contemporaneously filed memorandum and as evidenced by the attached exhibits, Plaintiff’s claims fail for the following reasons:

1. Plaintiff cannot establish that she was subjected to a race-based hostile work environment because her allegations of harassment were not sufficiently severe or pervasive and do not alter the conditions of her employment;

2. Plaintiff voluntarily resigned her position and was not constructively discharged;
3. Plaintiff cannot establish a race discrimination claim based upon the evidence revealed in discovery; and
4. Plaintiff cannot establish a retaliation claim based upon the evidence revealed in discovery.

WHEREFORE, based on the foregoing, Defendants request this Court award them summary judgment on all Plaintiff's claims and award any other relief this Court deems just and appropriate.

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE  
AND STATE UNIVERSITY, and  
COMMONWEALTH OF VIRGINIA,

By: s/ M. Hudson McClanahan  
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CERTIFICATE OF SERVICE

I hereby certify that, on this 13<sup>th</sup> day of January, 2020, the foregoing DEFENDANTS' MOTION FOR SUMMARY JUDGMENT was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing (NEF), to the following:

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